

CONSUMER PROTECTION COMMITTEE

of the

SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Consumer Protection Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on October 10, 2006.

MEMBERS PRESENT:

Legislator Cameron Alden • Chairman

Legislator Ricardo Montano

Legislator Lynne Nowick

Legislator Tom Barraga

Legislator Kate Browning

MEMBER NOT PRESENT:

Legislator Jon Cooper • Vice•Chair • Excused Absence

ALSO PRESENT:

George Nolan • Counsel to the Legislature

Maria Barbara • Aide to Legislator Alden

Charles Gardner • Director of Consumer Affairs

Renee Ortiz • Chief Deputy Clerk of the Legislature

Joe Muncey • Budget Review Office

MINUTES TAKEN BY:

Donna Catalano • Court Stenographer

(* THE MEETING WAS CALLED TO ORDER AT 9:50 A.M. *)

CHAIRMAN ALDEN:

Good morning. Welcome to the Consumer Protection Committee Meeting. We will start with the Pledge, and we'll have that led by Legislator Montano.

SALUTATION**CHAIRMAN ALDEN:**

I'd also ask for a moment of silence in remembrance of those that gave their lives for this country, and also, we should remember those that have put themselves in harm's way all over the globe defending our freedom.

MOMENT OF SILENCE

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CHAIRMAN ALDEN:

Thank you. Before we go to the agenda, I'm just going to ask Charlie to come up for a second. I mean, some of the stuff is obvious, the price of gas went down, the price of heating oil is on the way down.

DIRECTOR GARDNER:

Yes and yes.

CHAIRMAN ALDEN:

If we get very lucky it will do that all through the •• if we get lucky, it will do that all through the winter. But what's your feeling as far as stocks of gasoline and stocks of heating oil?

DIRECTOR GARDNER:

Well, if you read the papers today, within three different stories, we're going to have a milder than normal winter, we're going to have a colder than normal winter, prices are going to go up, prices are going to level off, prices are going to go down. So it's the same •• you know, if anybody could answer that with certainty •• if I could, I wouldn't be working for the County, I'd be making a lot of money elsewhere. But right now things are steady, there are no abnormalities that we're aware of. As you've said, the prices of all of the commodities are down.

CHAIRMAN ALDEN:

Good. How are we doing with prosecutions and also operations against illegal home improvement contractors?

DIRECTOR GARDNER:

Well, one of the more publicized that I can speak about because we have come to a final decision, which was Island Recreation, they're going to be paying around \$11,000 or so in penalties to the County. They are making cash restitution in the amounts of approximately \$30,000 to grieved consumers, and they are fulfilling their contractual obligations to about 20 other consumers. So that was a successful resolution to a situation that never should have happened in the first place. It was completely the fault of the company, they realized that at the hearing, which we had many consumers come to the hearing. I think the attorney and the licensee were very surprised that the repeated over and over and over again allegations of the consumers that definitely established a pattern. They just •• I don't think they realized or didn't care at the time just how bad a situation they had. But it has been hopefully rectified. There is another situation that is still going on that was talked about in the papers which is Poseidon Pools, that I cannot talk about. There are some turns in that case.

CHAIRMAN ALDEN:

Home improvement contractors.

DIRECTOR GARDNER:

The home improvement contractors, there are no •• there are no big outstanding cases. I mean, we have a lot of •• we're carrying a very heavy load right now, 20% higher than we should be with open cases. We're waiting for some vacancies to be filled. Hopefully that will happen pretty soon, because we've had to hold •• hold off on assigning new cases for the past two weeks just because the caseload is pretty high right now.

CHAIRMAN ALDEN:

Okay. Now, that was the next question as far as your manpower over there. I know that you had one person that actually ended up getting released, right, to go into the union. Is there a need for another position to be created over there, or if everything gets filled, can you handle the caseload?

DIRECTOR GARDNER:

We need to get this year's position filled. We still have those two vacancies in the Consumer Affairs Investigator spots, two vacancies that we need to get •• if we get those filled, we will be in good shape. You know, that's this year's. They're budgeted for, we're into October, and we're waiting to get them filled. We need them.

CHAIRMAN ALDEN:

And going forward, I know there's a couple of new things that are on as far as that will throw a little bit more work to you, '07, if those two positions are filled, do you think we're good going into '07?

DIRECTOR GARDNER:

Yeah. We have those two positions and we have a vacant clerical position as a result of a person moving to another department. We're in the midst right

now of canvassing. And then we have also a vacant clerical position that has been budgeted for the year that we need to get filled.

CHAIRMAN ALDEN:

Okay. So basically you've got four vacancies and you're looking to fill •• one you are actually working on and the three you need a little help.

DIRECTOR GARDNER:

We need filled.

CHAIRMAN ALDEN:

Okay. Any questions of Charlie? Good. Thanks, Charlie. And if you could stay there, because on a couple of these resolutions, we just need to ask a few questions on. We've got tabled resolutions.

1791, A Local Law to require gasoline service stations to install emergency generators for fuel pumps.

CHAIRMAN ALDEN:

The hearing was recessed. We have to table that for the public hearing, so I'll make a motion to table, seconded by Legislator Nowick. All those in favor? Opposed? **Tabled (VOTE:5•0•0•1 • Not present • Legis. Cooper)**

1951, A Local Law to protect consumers from predatory towing practices.

CHAIRMAN ALDEN:

The public hearing was closed on 9/5. This was amended on 9/21. So I'm just going to ask Legislative Counsel, does this amendment rise to the level

where we'd have to reopen the public hearing, or can we work on this today?

MR. NOLAN:

I believe we can proceed with the resolution today.

CHAIRMAN ALDEN:

Okay. I'll entertain a motion.

LEG. MONTANO:

What was the explanation? I didn't hear it.

MR. NOLAN:

I was asked whether the change to the amendment that was made to the bill after the public hearing was so substantial that it would require another public hearing. The answer is no. The change only drops the requirements that agreements between towing companies and the parking lot owners be filed with Consumer Affairs. That requirement has been dropped.

CHAIRMAN ALDEN:

So what's your pleasure on this one?

LEG. BROWNING:

Motion to approve.

CHAIRMAN ALDEN:

Motion to approve by Legislator Browning, seconded by Legislator Barraga. Just on the motion. Again, George can you just explain •• you know, just give us a quick overview of the bill and how it's going to work now.

MR. NOLAN:

Right now we have a law on the books regarding towing practices. It's Chapter 463 of the Suffolk County Code. This just makes two changes; first, this law would require tow companies to provide the owner of a towed vehicle with a receipt that reflects all the payments that were made for the release of vehicle; and secondly, this law would prohibit fee splitting agreements between parking lot owners and towing companies.

CHAIRMAN ALDEN:

Now, enforcement of that is going to be, you know, like, hard at best. But, anyway, Charlie, can you weigh in?

DIRECTOR GARDNER:

With the removal of that sentence about the filing of the agreement with our office, it will not affect, because we already enforce this law. And this just adds a couple of prohibitions. So the office is fine with that.

CHAIRMAN ALDEN:

Okay. Now, the legal work that's going to be generated, probably County Attorney, Lynne, do you have an opinion one way or the other on it?

MS. BIZZARRO:

No, I don't.

CHAIRMAN ALDEN:

Okay. Thank you. So we have a motion and a second. All those in favor?

Opposed? **Approved (VOTE: 5•0•0•1 • Not present • Legis. Cooper).**

2150, Approving the reappointment of Salvatore Escaldi as a member of the Suffolk County Plumbing Licensing Board.

And before we vote, Charlie, has he showed up, does he participate?

DIRECTOR GARDNER:

Yes. Mr. Escaldi is approximately a 15 year member of the board. Very fine attendance record. As a matter of fact, he is at the Plumbing Licensing Board, they are meeting right now. I can say that for Mr. Escaldi, Mr. Leo and Mr. Scott. They are all right now meeting at the monthly meeting of the Plumbing Licensing Board.

CHAIRMAN ALDEN:

Good. I'll entertain a motion. I'll make a motion to approve, seconded by Legislator Nowick. All in favor? Opposed? Abstentions? **Approved (VOTE: 5•0•0•1 • Not present • Legis. Cooper).**

2151, Approving the reappointment of Richard M. Leo as a member of the Suffolk County Plumbing Licensing Board.

CHAIRMAN ALDEN:

Same thing?

DIRECTOR GARDNER:

Yes.

CHAIRMAN ALDEN:

Okay. Same motion, same second, same vote. **APPROVED (VOTE: 5•0•0**

• 1 • Not present • Legis. Cooper).

2152, Approving the reappointment of Linda Perlow as a member of the Suffolk County Home Improvement Contractors Licensing Board.

CHAIRMAN ALDEN:

Does she participate? Does she show up?

DIRECTOR GARDNER:

Longtime member, acts as Chair of the Board. As far as monthly contributions from her, excellent. Excellent attendance record and very good contributions, does a lot of work for the County.

CHAIRMAN ALDEN:

Same motion, same second ••

LEG. MONTANO:

Wait. How long is the appointment for?

DIRECTOR GARDNER:

Three years.

CHAIRMAN ALDEN:

So same motion, same second, same vote. **Approved (VOTE: 5•0•0•1 • Not present • Legis. Cooper).**

2161, Approving the reappointment of Douglas S. Callahan as a member of the Suffolk County Home Appliance Repair Licensing Board.

CHAIRMAN ALDEN:

Does he show up? Does he participate?

DIRECTOR GARDNER:

Yes. A contributing member in all ways to the Home Appliance Repair Board. Mr. Callahan, again, a longtime member, good attendance, basically makes every meeting and contributes.

CHAIRMAN ALDEN:

Same motion, same second, same vote. **APPROVED (VOTE: 5 • 0 • 0 • 1 • Not present • Legis. Cooper).**

2162, Approving the reappointment of Donald W. Scott as a member of the Suffolk County Plumbing Licensing Board.

CHAIRMAN ALDEN:

The comments before from Charlie was that he is a longtime member, he's meeting right now, he shows up and does participate. Same motion, same second, same vote. **Approved (VOTE: 5 • 0 • 0 • 1 • Not present • Legis. Cooper).**

Before we go to the tabled ••

DIRECTOR GARDNER:

Mr. Chairman, if I may. Just to expand •• clarify in answer to the question about the terms of the appointments. I just want to make it clear that they are all three year terms, but just so that all committee members understand that all these are appointments that have previously expired. So for instance •• in other words, they have been serving at the pleasure of, they have continued on. Mr. Escaldi, his expiration date is December 31st of '08, as is Mr. Leo, December 31st of '08, Linda Perlow, December 31st of '08. Mr. Callahan is May 13th of '08, and Mr. Scott will expire December 31st of '07.

So they are all three year terms, but ••

CHAIRMAN ALDEN:

But they go back to when their old terms expired.

DIRECTOR GARDNER:

That's correct.

CHAIRMAN ALDEN:

And these are all County Executive resolutions?

DIRECTOR GARDNER:

That's correct.

CHAIRMAN ALDEN:

Okay. I just want to put on the record that Legislator Cooper had an excused absence. He's not going to be here today. Now, Memorializing Resolution.

M•062, Memorializing resolution requesting the New York State Public Service Commission to review the proposed LIPA/KeySpan agreement.

Legislator Cooper took exception to that. He feels it's not a Memorializing Resolution, so motion to table ••

LEG. MONTANO:

I'll make a motion to table.

CHAIRMAN ALDEN:

Motion to table by Legislator Montano, seconded by Legislator Browning.

LEG. MONTANO:

And I'll say that under the new rules, I think we have to •• since we did away with Sense Resolutions, we need to have a reference to a particular bill in order to pass this type of legislation. That's my understanding of the new rules.

CHAIRMAN ALDEN:

I didn't think it was a bill, but I know that in the Senate and in the Assembly they are talking about making the PSC or trying to force the PSC to go and take on this task. So I thought it would have shown a little bit of intention on the part of this body that we wanted to see something happen with the •• with that Public Service Commission who has refused to actually take up the issue. But, you know, I tried. So we have a motion to table, we have a second. All in favor? Opposed? **Tabled (VOTE: 5•0•0•1 • Not present • Legis. Cooper).**

Okay. Did anybody else have anything that they wanted to bring before this body? If not, we stand adjourned. Thank you very much.

(* THE MEETING WAS ADJOURNED AT 10:04 A.M. *)

{ } DENOTES BEING SPELLED PHONTETICALLY